

POL 05.60.02
Employment Background Check Policy

Authority: Chancellor

History: First Issued: November 9, 2009
Revised: June 14, 2022

Related Policies:

- [POL 05.60.01 - EHRA Faculty and Non-Faculty Recruitment and Selection Policy](#)

Additional Resources:

- [Reference Check Form](#)
- [UNC Policy Manual 300.8.7\[R\] Regulation on Pre-Employment Background Checks](#)
- [U.S. Equal Employment Opportunity Commission's Enforcement Guidance on Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act,](#)
- [Applicant Reference Checks Policy.](#)
- [N.C. Office of Human Resources SHRA Disciplinary Action Policy](#)
- [The University of NC at Pembroke Faculty Handbook](#)
- [UNC Policy Manual and Code Chapter 300.1.1 and 300.1.2](#)

Contact Information: Assistant Vice Chancellor for Human Resources, (910) 521-6279

1. PURPOSE

1.1 The purpose of this policy is to demonstrate the university's commitment to create a welcoming, inclusive and safe learning and workplace environment for all members of the university community, in addition to protecting the university's financial, property, and other assets. This policy is intended to support the verification of credentials, criminal background, credit status and other information related to employment decisions that assist the university in meeting its commitments. The University's background check process is intended to identify the presence of potential unacceptable safety risk to the University or its employees, students, visitors and community, and to provide a basis for making good faith and sound determinations as to whether such matters rise to the level barring appointment. A background check must be satisfactorily completed prior to employment or appointment.

1.2 A previous criminal conviction does not automatically disqualify an applicant from consideration for employment with the University. Candidate eligibility depends on a variety of factors, such as the nature of, and circumstances surrounding, any crime(s); the time elapsed since conviction and the rehabilitation record; the actions and activities of the individual since the crime(s), including the individual's subsequent work history; the truthfulness and

completeness of the candidate's disclosure of the conviction(s), and any other relevant information.

1.2 A "conviction" includes any unlawful offense other than a minor traffic violation, including but not limited to DUI/DWI, worthless check, and violations of local ordinances or statutes that resulted in a fine, restitution, or incarceration. Guilty verdicts, guilty pleas, prayers for judgment (PJC) and pleas of nolo contendere (no contest) must be included on any application for employment unless the conviction has been expunged from the applicant's record at the time of application.

1.3 Background checks will be used only to evaluate individuals for employment or volunteer purposes and will not be used to discriminate on the basis of protected veterans or individuals with disabilities and prohibits discrimination against all individuals based on their age, race, color, genetic information, religion, sex, sexual orientation, gender identity or expression and national origin.

1.4 Prohibition on Use of Salary History for Hiring Actions

1.4.1 The university shall not request an applicant's salary history on the employment application or as part of any supporting documentation provided in the application process.

1.4.2 The university shall not use a selected candidate's salary history to determine the candidate's salary for any hiring action, including new hires, transfers and promotions. Rather, salary determinations shall be based on other relevant factors including, but not limited to, the salary range of the proposed position, the qualifications and credentials of the candidate, equity to other similarly situated and qualified employees, and available budget.

2. SCOPE

2.1 This policy is applicable to all EHRA faculty and non-faculty, SHRA employees, and student and temporary employees (including adjunct faculty), and affiliates. Background checks are conducted as a condition of employment and to be considered for an initial appointment, each covered individual must provide accurate and truthful information about their criminal conviction record, serious driving infractions (driving a state-owned or personal / other vehicle is required as an essential function of the position), and any required credentials. The background check is required for any final candidate for employment, and for current employees changing positions through promotion, transfer, or reassignment at the University. A covered individual who fails to provide the required information in a complete and timely manner, or who willfully omits, conceals or falsifies such information, may have their candidacy for appointment rejected, have their offer of appointment withdrawn, or be terminated from their active employment or affiliation with the University.

2.2 Current employees who are convicted of a criminal offense (other than a minor traffic violation) are subject to background checks. The procedure for reporting a criminal offense begins with the employee reporting any conviction to their immediate supervisor within three (3) days of the conviction. The immediate supervisor will notify the Office of Human Resources

(OHR) within one (1) day of receiving notice so that the Office of Human Resources (OHR) can conduct the background check. UNC Pembroke, through the Office of Human Resources (OHR), may conduct a public record check of current employees when there is reason to believe an employee has provided false information on employment documents. Any falsification of documents (by omission or commission) that is substantiated through a public records check may form the basis for disciplinary action against the employee.

3. TYPES OF BACKGROUND CHECKS

3.1 Criminal Background Check. Criminal history and sex offender checks will be conducted for the final candidate(s) for all positions as noted in Section 2.

3.2 Credit History Check. A credit history will be conducted on the final candidate(s) for any positions with access to, or responsibility for, cash receipts, cash accounts, blank checks, checking accounts, or money market accounts. Credit checks will also be required for positions that initiate accounting/financial transactions that are not reviewed or verified by others; positions that have override authority for spending, receipting, or billing transactions; and positions designated as Chief Financial Officer, Dean, Director, or Department Head. Current employees who assume these types of duties during the course of employment are also subject to credit history checks.

3.3 Motor Vehicle Records. Motor vehicle records (MVR) checks will be conducted on the final candidate(s) for any position that requires the individual to drive a university issued state vehicle as a regular part of the job responsibilities or when a dedicated university state issued vehicle is provided to the employee for the purpose of conducting University business. Motor vehicle records (MVR) will be conducted periodically throughout employment for any employee who drives a dedicated university issued state vehicle as part of their job, and on any employee to whom a university issued state vehicle is provided to for the purpose of conducting university business. A driver's license record check of applicable state motor vehicle licensing agencies will be conducted for any covered individual whose formal duties include driving as an essential requirement for the position, positions in which the assigned duties require an individual to drive a motor vehicle or positions in which an individual may be required to drive a state-owned vehicle.

3.4 Reference Check. Based upon the information on each final candidate's application, the hiring official shall be responsible for checking references. The hiring department's supervisor shall seek to obtain information on the final candidate's work performance and on professional characteristics that affect (positively or negatively) the final candidate's suitability for the particular position sought. Refer to the Office of Human Resources (OHR) approved [Reference Check Form](#).

Reference checks may include persons provided by the final candidate. The final candidate shall also be required to provide the names of current and former supervisors and other persons who would have knowledge of the final candidate's job performance and ability. At least three (3) references, including the current or most recent supervisor, should be contacted.

3.5 Credentials Verification. Educational credentials will be verified within ninety (90) days of employment and prior to granting permanent status. In order to receive educational credit, degrees must be received from appropriately accredited institutions. Territorial universities must have their academic degrees validated as equivalent to the degree conferred by a regionally accredited college or university in the United States.

All new hires will complete the credential verification form via the Onboarding Module for the highest degree obtained and the Office of Human Resources (OHR) will verify. All EHRA Faculty new hires must obtain original transcripts and submit to Academic Affairs.

4. EXCEPTIONS

4.1 Current employees are not subject to background checks, unless they become a “covered individual” as indicated in Section 2.

4.2 Students who work or volunteer (secondary to their primary role as a student at the university) are not subject to background checks under this policy unless requested by the hiring department based on factors such as the nature of the duties (i.e. working with pre-college-age minors); access to information or assets, or reasonable suspicion.

5. RESPONSIBILITIES

5.1 The Office of Human Resources (OHR) in consultation with the hiring official and/or school, college or divisional leader will assess the potential risks and relevance of each applicable conviction or infraction to the proposed appointment of the covered individual.

5.2 Financial Managers (FM) are responsible for submitting the background check authorization for the final candidate to the Office of Human Resources (OHR) prior to making a verbal conditional offer of employment. A conditional offer of employment may be extended to a final candidate prior to the Office of Human Resources (OHR) completion of the background check. However, the FM is responsible for ensuring the candidate’s first day of work in the position is not prior to the satisfactory completion of the check. Every job offer extended for a position subject to this policy will be conditional until the appropriate University officials reviews the criminal background check report and determines how to proceed based upon the information contained in that report.

5.3 Candidates are responsible for submitting criminal background check authorization form of the final candidate to the search committee chair at the time of their interview. The Assistant Vice Chancellor for Human Resources or designee is responsible for ensuring that the policy is administered on a non-discriminatory basis and that all necessary components are in place for conducting an effective criminal background check program.

5.4 The Office of Human Resources (OHR) will ensure that all employment materials, including job postings (e.g., advertisements, website and bulletin board) advise applicants that background checks will be completed on any individual who is selected as the final candidate for all positions.

5.5 Hiring Officials (or their Designees) are not allowed to view applicant's responses to questions regarding criminal history on the application or on criminal background check forms.

5.6 The hiring official or designee shall not request an applicant's salary history on the employment application or as part of any supporting documentation provided in the application process. The hiring official or designee shall not use a selected candidate's salary history to determine the candidate's salary for any hiring action, including new hires, transfers, and promotions. Rather, salary determination shall be based on other relevant factors including, but not limited to, the salary range of the proposed position, the qualifications and credentials of the candidate, equity to other similarly situated and qualified employees, and available budget.

5.7 The University may not consider a candidate's expunged or pardoned conviction; pending charges; arrests not resulting in conviction; or charges resulting in dismissal or not guilty; however, separate and apart from a specific judicial status or disposition, the university may consider a candidate's documented conduct incidental to an arrest (including matters that remain pending) if the conduct is demonstrably related to the position's responsibilities or access to institutional resources.

5.8 The University shall ensure that employment decisions are not based on the criminal history of an individual unless that criminal history is demonstrably job-related and consistent with business necessity associated with the position, or unless state or federal law prohibits hiring an individual with certain convictions for a particular position.

5.9 The Office of Human Resources (OHR) shall provide an applicant with a copy of the criminal record and a copy of the "Summary of Your Rights Under the Fair Reporting Act", if a criminal record is obtained as part of the employment process, unless the act of sharing the criminal record is prohibited by state or federal law.

5.10 The procedure and criteria for considering an applicant's criminal history shall be consistent with the [UNC Regulation on Pre-Employment Background Checks](#), (Section 300.8.7[R]) of the UNC Policy Manual, specifically Section VI, the [U.S. Equal Employment Opportunity Commission's Enforcement Guidance on Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act](#), and any guidance provided by the North Carolina Office of State Human Resources – [Applicant Reference Checks Policy](#).

5.11 If the results of a background check result in a non-selection decision:

5.11.1. The applicant must be allowed a reasonable opportunity to explain the circumstances surrounding their relevant conviction(s) and/or charges(s) and provide any proof of rehabilitation, including certificate of relief.

5.11.2 The University requires all new employees to undergo background checks and any existing employees who have applied for promotion, transfer, or reassignment to undergo background checks unless a background check has been satisfactorily completed within the past twelve (12) months.

5.12 A discovery of falsification, including misrepresentation or failure to disclose relevant information as part of the recruitment and application process, will disqualify a candidate from employment consideration. If the candidate is a current employee, falsification may also subject the individual to disciplinary action up to and including dismissal as determined by the appropriate Dean or Vice Chancellor in accordance with the NC Office of Human Resources SHRA Disciplinary Action Policy, The University of NC at Pembroke Faculty Handbook and the UNC Policy Manual and Code Chapter 300.1.1 and 300.1.2. A failure to provide information to verify educational credentials within ninety (90) days of employment or discovery of falsification of education credentials may subject the individual to disciplinary action up to and including dismissal as determined by the appropriate Dean and Vice Chancellor.

5.13 The Office of Human Resources (OHR) will determine whether to endorse the employment recommendation, with input from other campus units such as Office of General Counsel and/or Campus Police, as needed.

5.14 The Office of Human Resources (OHR) will communicate one (1) of three (3) outcomes to the hiring official: 1) an employment endorsement or 2) a disqualification based on falsification of application materials or background check release, or 3) a non-endorsement based on the background check facts as related to the position. If the hiring manager and the Office of Human Resources (OHR) do not concur on the hiring endorsement, the ultimate decision is elevated through the college or division's line of reporting authority, up to the appropriate Dean or Vice Chancellor, as delegated by the Chancellor. The Office of Human Resources (OHR) will notify candidates regarding potential adverse actions in accordance with federal fair credit reporting (FCRA) requirements.

5.15 Confidentiality and Retention of Background Check Records: The Office of Human Resources (OHR) will maintain background check records centrally in accordance with records retention guidelines. In accordance with the 2021 UNC Records and Retention Schedule, records concerning pre-employment or periodic criminal records checks conducted on prospective or current staff, interns, and volunteers may be destroyed in office after five (5) years.